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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,607	05/31/2001	Masashi Inoue	0879-0315P	7047
2292 7590 05/10/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER YE, LIN	
			ART UNIT	PAPER NUMBER
			2622	
			NOTIFICATION DATE	DELIVERY MODE
			05/10/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/867,607		INOUE ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Lin Ye		2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicants' arguments filed 2/20/07 have been fully considered but they are not persuasive as to claims 1-26.

For claim 1, the applicants argue that Akazuka provides only one compression rate (one-half) to perform data compression. Akazuka's compression rate of one-half is not even a selectable candidate since this is the only rate available for data compression.

The examiner disagrees. The claim 1 does not require the compression rates are set in **different compression ratios with respect to an amount of the original data** to perform data compression. The Akazuka reference clearly discloses in Table 1, at least two selectable candidates available for data compression (e.g., one is the compression rate for color image mode and another one is the compression rate for black and white image mode to perform data compression).

Even assuming the claim 1 required different compression ratios with respect to an amount of the original data to perform data compression, it would have been obvious to one having ordinary skill in the art at the time the invention was made to see the digital camera system has more flexible design choice to set in different compression ratios with respect to an amount of the original data in compression operation, since it involves only routine skill in the art. The Steve reference is evidence that the digital camera having different compression ratios with respect to an amount of the original data in compression operation ("S" as Super-Fine, "F" as Fine, or "N" as Normal) is well known in the art.

For claims 1, 6 and 14, the applicants argue that Akazuka cannot teach displaying selectable candidates for a number of imaging pixels and image compressing rates in compression operation in a two dimensional arrangement, because table 1 in Akazuka is not a screen for user interface to be displayed on the display unit 23 in actual device.

The examiner disagrees. The Akazuka reference discloses information input part is used in performing input of various types of information, such as retrieval information corresponding for setting the recording mode of the image data (for example, **number of pixels that form the image, compression rate of data compression**, color or black an white), etc. (See page 3, lines 32-34 and page 4, lines 1-9), the input retrieval information, etc., are also displayed on said display part (23) (See page 4, lines 30-35). Therefore, the information shown in the table 1 is displayed on the display unit 23 and the operator can select the modes (candidates) more easily.

The applicants argue that rejection of independent claims 1, 6 and 14 is a blatant string of substitutions gleaned from and motivated by the applicants' own patent application. The Office action has not shown that the prior art provides the teaching or suggestion to make the claimed combination and the reasonable expectation of success. The suggestion to make the claimed combination and the reasonable expectation of success cannot be based on applicants' disclosure

In response, the rationale to modify or combine the prior art does not based on applicants' disclosure; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to on of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. In re Fine, 837 F.2d

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1071, 5 USPQ2d 1596 (Fed. Cir. 1988). The Steve reference is evidence that the digital camera receiving an instruction for moving a cursor on the menu setting screen to select the modes (candidates) is well known and expected in the art.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akazuka J.P. 62[1987]-252583 (e.g., this reference has been cited in the PTO-892 mailed on 8/12/04) in view of Steve's DigiCams: "PowerShot S10 User Review", [Online] 1999, Internet address: < [http://www.steves-digicams.com/pdf/canon\\_s10.pdf](http://www.steves-digicams.com/pdf/canon_s10.pdf) >.

Referring to claim 1, the Akazuka reference discloses an image quality selecting method, comprising the steps of: (display part 23, see page 4, lines 32-37) displaying selectable candidates for a number of imaging pixels and image compression rates in compression operation (e.g., one is the compression rate for color image mode and another one is the compression rate for black and white image mode to perform data compression) in a two-dimensional arrangement on a setting screen for setting an image quality as shown in Table 1 of page 6 (See page 5, lines 15-28); presenting to a user combinations of selectable number of imaging pixels and the image compression rates and at the same time receiving an

instruction, wherein the number of imaging pixels and the image compression rates are each directly selectable ( instruction for setting the recording mode of image data, e.g., number of pixels that form the image, compression rate of data compression, see page 3, lines 31-34 and page 4, lines 1-10); and changing a setting to the number of pixels and the image compression rate which are input by the information input part 8 (see page 3, line 30 through page 4, line 31). However, the Akazuka reference does not explicitly show the instruction input by information input part (8) for moving a cursor on the setting screen, and the setting are pointed by the cursor after designating a position of the cursor.

The Steve reference teaches in page 11 (a user review of the Canon PowerShot S10 digital camera), an image quality selecting method, selecting a number of imaging pixels ("L" as 1600x1200, "M" as 800x600 or "S" as 640x480) and image compression rates ("S" as Super-Fine, "F" as Fine, or "N" as Normal) in on a setting screen for setting an image quality; receiving an instruction for moving a cursor on the setting screen, and the setting are pointed by the cursor after designating a position of the cursor. The Steve reference is evidence that one Of ordinary skill in the art at the time to see more advantages for the camera system using instruction key to move a cursor on the setting screen so that the camera setting mode or data can be quickly an easily selected by user. For that reason, it would have been obvious to see the camera system receiving an instruction for moving a cursor on the setting screen; and changing a setting to the number of pixels and the image compression rate which are pointed by the cursor after designating a position of the cursor disclosed by Steve.

Referring to claim 2, the Akazuka and Steve references disclose all subject matter as discussed in respected to claim 1, and the Akazuka reference discloses wherein number of

photographable images is displayed in accordance with the number of imaging pixels and the image compression rate which are selected with said cursor (cursor taught by Steve) as shown in Table 1 (See page 4, lines 34-37).

Referring to claim 3, the Akazuka and Steve references disclose all subject matter as discussed in respected to claim 1, and wherein the Akazuka reference discloses wherein a remaining time for recording a moving image is displayed on said setting screen in accordance with the number of imaging pixels and the image compression rate which are selected with said cursor (cursor taught by Steve) as shown in Table 2 (See page 6, lines 7-18).

Referring to claim 4, the Akazuka and Steve references disclose all subject matter as discussed in respected to claim 1, and Akazuka reference discloses the camera setting data which have been set in a previous setting is stored (in information storage part 12, see Akazuka's page 4, lines 1-9); and wherein camera setting data is changed by key operation part (information input part 8), and the Steve reference discloses the cursor automatically moves to a position of the other of camera setting data in the previous setting according to the stored information (i.e., See Steve's camera specifications, pages 8-9 and 16).

Referring to claim 5, the Steve reference discloses camera setting data is changed by key operation part (e.g., Menu/set rocker switch and 4-way switch navigates through the choices and the Set button accepts the choice, See page 5), the cursor automatically moves to a position of the other of camera setting data in a predetermined default (see page 11).

Referring to claim 6, the Akazuka and Steve references disclose all subject matter as discussed in respected to claim 1, and the Steve discloses a digital camera comprising a

taking lens; and imaging device (CCD image sensor) that converts light which enters through said taking lens into electric signals; a signal processing part (e.g., white balance control image compression) for processing the signals outputted from said imaging device; a recording instruction (shutter button) input operation part that instructs start of recording in order to obtain an image (See Steve's page 8-11); and the Akazuka reference discloses a recording device that records an image in a storage medium (image storage part 11), the image being photographed in response to an operation of said recording instruction input operation part (9); a display device (display part 23) that displays a setting screen for setting an image quality as shown in Table 1 in page 6 (See page 4, lines 1-8 and lines 32-37).

Referring to claim 7, the Akazuka and Steve references disclose all subject matter as discussed in respect to claim 1, and the Akazuka reference discloses a calculation device (computing means 300) that calculating at least one of the number of photographable images and a remaining time for recording a moving image from capacity of said storage medium with respect to recording mode set the remaining number of images or a remaining time is displayed on the setting screen according to the image quality recording mode selected (See page 4, lines 32-37).

Referring to claim 8, the Akazuka and Steve references disclose all subject matter as discussed in respect to claim 7, and the Akazuka reference discloses a table is prepared in which one of the selectable candidates for said number of imaging pixels and the image compression rate is horizontally lined up as a row, and the other is vertically lined up as a column on said setting screen; and the remaining capacity for recording a moving image for the combination is displayed in each cell of the table on the display part (23) (See pages 3-5).



Referring to claim 9, the Akazuka and Steve references disclose all subject matter as discussed in respected with same comments to claims 4 and 6.

Referring to claim 10, the Akazuka and Steve references disclose all subject matter as discussed in respected to claim 6, and the Steve reference discloses when one of the number of imaging pixels and image compression rate is changed, camera setting data is changed by key operation part (e.g., Menu/set rocker switch and 4-way switch navigates through the choices and the Set button accepts the choice, See page 5), the cursor automatically moves to a position of the other of camera setting data in a predetermined default (see page 11).

Referring to claim 11, the Akazuka and Steve references disclose all subject matter as discussed in respected to claim 1, and the Steve reference discloses the number of imaging pixels and the image compression rates are changed independently (See page 11).

Referring to claims 12-13, the Akazuka and Steve references disclose all subject matter as discussed in respected to claim 1, and he Akazuka reference teaches in Figure 1 and Table 1 (in page 6), a table is prepared in which one of the selectable candidates for said number of imaging pixels and the image compression rate is horizontally lined up as a row, and the other is vertically lined up as a column on said setting screen (See pages 3-5); and the system can either the number of candidates for the number of imaging pixels will depend upon the image compression rate selected (e.g., when the fields in the table selected horizontally form left to right), or the number of candidates for the image compression rates will depend upon the number of imaging pixels selected (e.g., when the fields in the table selected vertically form top to bottom).

Referring to claim 14, the Akazuka and Steve references disclose all subject matter as discussed in respected with same comments to claims 1 and 6.

Referring to claims 15-17, the Akazuka and Steve references disclose all subject matter as discussed in respected claim 14, and the Akazuka reference teaches in Figure 1 and Table 1 (in page 6), a table is prepared in which one of the selectable candidates for said number of imaging pixels and the image compression rate is horizontally lined up as a row, and the other is vertically lined up as a column on said setting screen (See pages 3-5); and the system can either the number of candidates for the number of imaging pixels will depend upon the image compression rate selected (e.g., when the fields in the table selected horizontally form left to right), or the number of candidates for the image compression rates will depend upon the number of imaging pixels selected (e.g., when the fields in the table selected vertically form top to bottom), wherein the two-dimensional format further comprises a table having the selectable options arranged as table heading.

Referring to claim 18, the Akazuka and Steve references disclose all subject matter as discussed in respected claim 12, and the Akazuka reference discloses wherein row headings of the table correspond to selectable image compression rates (e.g., vertically lined up as a row correspond to image compression rates) and column heading of the table correspond to image pixel quantities (e.g., horizontally lined up as a column correspond to image pixel quantities).

Referring to claim 19, the Akazuka and Steve references disclose all subject matter as discussed in respected claim 12, and the Akazuka reference discloses wherein row headings of the table correspond to selectable image pixel quantities (e.g., horizontally lined up as a

row correspond to image compression rates) and column heading of the table correspond to selectable image compression rates (e.g., vertically lined up as a column correspond to image pixel quantities).

Referring to claim 20, the Akazuka and Steve references disclose all subject matter as discussed in respected claim 12, wherein entries within the table correspond to at least one of a capacity for remaining photographs and remaining time for recording a moving image (recording length for moving imaging by TV camera).

Referring to claim 21, the Akazuka and Steve references disclose all subject matter as discussed in respected with same comments to claims 12-13, and the Akazuka reference discloses wherein the selectable candidates are arranged in a two-dimensional matrix (see Table 1, in page 6) having a plurality of selectable cells, each selectable cell corresponds to a combination of number of pixels and image compression rate, and is designated by a user to set the number of pixels and image compression rate (See pages 3-5).

Referring to claim 22, the Akazuka and Steve references disclose all subject matter as discussed in respected with same comments to claim 8, and the Akazuka reference discloses wherein the selectable candidates are arranged in a two-dimensional matrix (see Table 1, in page 6) having a plurality of selectable cells, each selectable cell corresponds to a combination of number of pixels and image compression rate, and is designated by a user to set the number of pixels and image compression rate (See pages 3-5).

Referring to claim 23, the Akazuka and Steve references disclose all subject matter as discussed in respected with same comments to claims 14 and 22.

Referring to claim 24, the Akazuka and Steve references disclose all subject matter as discussed in respected with same comments to claim 21, and the Akazuka reference discloses wherein each column of the two-dimensional matrix corresponds to one of a predetermined number of pixels, and each row of the two-dimensional matrix corresponds to the other of the predetermined compression rate as shown in Table 1 (page 6).

Referring to claim 25, the Akazuka and Steve references disclose all subject matter as discussed in respected with same comments to claim 22, and the Akazuka reference discloses wherein each column of the two-dimensional matrix corresponds to one of a predetermined number of pixels, and each row of the two-dimensional matrix corresponds to the other of the predetermined compression rate as shown in Table 1 (page 6).

Referring to claim 26, the Akazuka and Steve references disclose all subject matter as discussed in respected with same comments to claims 23 and 25.

### ***Conclusion***

4. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lin Ye  
Primary Examiner  
Art Unit 2622

May 3, 2007